

AMENDED IN SENATE JANUARY 3, 2000

SENATE BILL

No. 1007

Introduced by Senator Knight

February 26, 1999

An act to add Section 5027 to the Penal Code, relating to undocumented aliens.

LEGISLATIVE COUNSEL'S DIGEST

SB 1007, as amended, Knight. Undocumented aliens: ~~transfers to foreign prisons~~ *notification*.

Existing law requires the Department of Corrections to implement and maintain procedures to identify each inmate serving a term in the state prison who is an undocumented alien subject to deportation within 90 days of having taken custody of the inmate. Existing law also requires the Director of Corrections to inform any person who is an undocumented alien subject to deportation, upon entry into a facility operated by the department, and at least annually thereafter, that he or she may apply to be transferred to serve the remainder of his or her prison term in his or her country of origin. The department is required to implement and maintain procedures to process these applications and to forward the applications to the Board of Prison Terms for appropriate action.

~~This bill would authorize the Youth and Adult Correctional Agency to implement a system that (1) identifies the legal status of each inmate or ward within the jurisdiction of the Youth and Adult Correctional Agency or any of its subdivisions or any local correctional institution with regard~~

~~to the eligibility of that inmate or ward to remain in the United States, (2) collects and transports each inmate or ward identified as an illegal alien to a holding facility in his or her country of origin prior to completion of his or her sentence, as specified, and (3) releases each inmate or ward upon completion of his or her sentence in his or her country of origin.~~

This bill would require the Department of Corrections to notify the United States Immigration and Naturalization Service if a convicted felon who is in the custody of the department is known or suspected to be an undocumented alien prior to the release of the inmate, and to establish a procedure for releasing an undocumented alien from the custody of the department to the United States Immigration and Naturalization Service at the conclusion of the inmate's sentence. This bill would incorporate procedures adopted pursuant to existing law.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. The Legislature finds and declares all of~~
2 *SECTION 1. Section 5027 is added to the Penal Code,*
3 *to read:*
4 *5027. (a) The Department of Corrections shall notify*
5 *the United States Immigration and Naturalization*
6 *Service if a convicted felon who is in the custody of the*
7 *department is known or suspected to be an*
8 *undocumented alien.*
9 *(b) The notification required pursuant to subdivision*
10 *(a) shall be made within a time period specified by the*
11 *department, after the department has identified that the*
12 *felon is known or suspected to be an undocumented alien.*
13 *This notification shall be made prior to the release of the*
14 *inmate.*
15 *(c) The Department of Corrections shall establish a*
16 *procedure for releasing an undocumented alien from the*
17 *custody of the department to the United States*

1 *Immigration and Naturalization Service at the conclusion*
2 *of the inmate's sentence.*

3 (d) *In carrying out its responsibilities pursuant to this*
4 *section, the department shall follow procedures adopted*
5 *pursuant to Section 5025.*

6 ~~the following:~~

7 (a) ~~As of October 1998, approximately 20,000~~
8 ~~criminals, or 13 percent, of the 160,000 California prison~~
9 ~~inmates are illegal aliens.~~

10 (b) ~~Incarceration costs reach twenty thousand dollars~~
11 ~~(\$20,000) per inmate per year. As such, it is estimated that~~
12 ~~the state's cost is approximately four hundred million~~
13 ~~dollars (\$400,000,000) per year to house criminal illegal~~
14 ~~alien offenders in state prison.~~

15 (c) ~~Criminal illegal aliens come from over 115~~
16 ~~different nations.~~

17 (d) ~~According to the Board of Corrections, the~~
18 ~~average number of illegal criminal aliens housed in local~~
19 ~~jails in 1997 was 7,240, just under 10 percent of the total~~
20 ~~local jail population.~~

21 (e) ~~The Department of the Youth Authority has~~
22 ~~identified over 400 illegal alien wards, with an additional~~
23 ~~800 wards as potential illegal alien criminals. At an~~
24 ~~average cost per year of thirty six thousand dollars~~
25 ~~(\$36,000) for each of its wards, this puts the total cost for~~
26 ~~these youths at forty-three million dollars (\$43,000,000)~~
27 ~~per year.~~

28 (f) ~~The federal government has not appropriated the~~
29 ~~moneys necessary to reimburse this state for the costs it~~
30 ~~has incurred imprisoning illegal alien felons.~~

31 (g) ~~Nor has the federal government been willing to~~
32 ~~accept and transfer to federal custody these same illegal~~
33 ~~alien felons for imprisonment or deportation pursuant to~~
34 ~~the Immigration Reform and Control Act of 1986.~~

35 SEC. 2. ~~Section 5027 is added to the Penal Code, to~~
36 ~~read:~~

37 5027. (a) ~~The Youth and Adult Correctional Agency~~
38 ~~shall implement a system that does all of the following:~~

39 (1) ~~Identifies the legal status of each inmate or ward~~
40 ~~within the jurisdiction of the Youth and Adult~~

~~1 Correctional Agency or any of its subdivisions or any local
2 correctional institution with regard to the eligibility of
3 that inmate or ward to remain in the United States.~~

~~4 (2) Collects and transports each inmate or ward
5 identified as an illegal alien to a holding facility in his or
6 her country of origin prior to completion of his or her
7 sentence, but in no case more than three weeks prior to
8 the completion of the inmate's or ward's sentence.~~

~~9 (3) Releases each inmate or ward upon completion of
10 his or her sentence in his or her country of origin.~~

~~11 (b) This section shall apply to all inmates and wards
12 under the jurisdiction of the Youth and Adult
13 Correctional Agency or its subdivisions, including the
14 Department of Corrections and the Department of the
15 Youth Authority, and to all inmates and wards of any local
16 correctional institution, including county jails, youth
17 camps, city jails, and similar municipally operated jails.~~